

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-0696V

Filed: July 15, 2019

UNPUBLISHED

VALERIE MULHOLLAND,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Shoulder
Injury Related to Vaccine
Administration (SIRVA)

Shealene Priscilla Mancuso, Muller Brazil, LLP, Dresher, PA, for petitioner.

Adriana Ruth Teitel, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Dorsey, Chief Special Master:

On May 25, 2017, Valerie Mulholland (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that as a result of an influenza (“flu”) vaccine she received on January 2, 2015 in her left shoulder, she suffered a left shoulder injury related to vaccine administration (“SIRVA”). Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On February 26, 2018, a ruling on entitlement was issued, finding petitioner entitled to compensation for SIRVA. On July 15, 2019, respondent filed a proffer on award of compensation (“Proffer”) indicating petitioner should be awarded \$77,500.00

¹ The undersigned intends to post this decision on the United States Court of Federal Claims' website. **This means the decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access. Because this unpublished decision contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services).

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

for pain and suffering. Proffer at 1. In the Proffer, respondent represented that petitioner agrees with the proffered award. *Id.* Based on the record as a whole, the undersigned finds that petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **the undersigned awards petitioner a lump sum payment of \$77,500.00 (for pain and suffering) in the form of a check payable to petitioner, Valerie Mulholland.** This amount represents compensation for all damages that would be available under § 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

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OFFICE OF SPECIAL MASTERS**

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SECRETARY OF HEALTH AND
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No. 17-0696V

Chief Special Master Dorsey (SPU)
ECF

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

I. Compensation for Vaccine Injury-Related Items

On February 26, 2018, respondent filed a Rule 4(c) Report conceding that petitioner is entitled to vaccine compensation for her Shoulder Injury Related to Vaccine Administration (“SIRVA”) injury. The Chief Special Master’s Ruling on Entitlement, adopting respondent’s recommendation, was issued the same day, on February 26, 2018.

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$77,500.00 for pain and suffering. This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a).¹ Petitioner agrees.

II. Form of the Award

Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment of \$77,500.00 in the form of a check payable to petitioner.²

Petitioner agrees.

¹ Should Petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief.

² Petitioner is a competent adult, therefore evidence of guardianship is not required in this case.

Respectfully submitted,

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/s/ Adriana Teitel
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Dated: July 15, 2019